IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION (LD) NO.2881 OF 2006

Chetan Daiya & Ors. ...Petitioners.
Vs.
Deputy Registrar, Co-operative Societies
"D" Ward & Anr. ...Respondents.

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Mr. Y. R. Naik for the Petitioners.
Ms.Mamata Sadh, AGP for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

December 15, 2006.

P.C.

Rule, by consent of Counsel returnable forthwith. Counsel appearing on behalf of the Respondents waives service. By consent of Counsel and at their request taken up for hearing and final disposal.

2. Counsel appearing on behalf of the Petitioners undertakes to get the petition numbered forthwith.

3. The Petitioners before the Court are elected members of the Managing Committee of Petitioner No.8 which is a Co-

operative Housing Society registered under the Maharashtra Co-operative Societies' Act, 1960. Acting on a complaint filed by one of the members of the Society, the First Respondent passed an order on 8th December 2006 under Section 78 superseding the Managing Committee. The Petitioners have filed a statutory appeal under Section 152 before the Second Respondent. An application for stay was preferred therein. The application for stay was argued before the Second Respondent, who is the Divisional Joint Registrar, on 11th December 2006. No order has been passed thereon. The petition has been moved before this Court under Article 226 of the Constitution on the apprehension that the Administrator will take charge even before the application for stay is disposed of. In these circumstances, it would be appropriate to grant a limited protection to the Petitioners until the application for stay is finally decided by the Divisional Joint Registrar. Hence, the following order :

The Second Respondent is directed to dispose of the application for stay of the order dated 8th December 2006 passed by the First Respondent within a period of four weeks from today. Until the application for stay is disposed of and, in the event of stay

being refused, for a period of two weeks thereafter, the order of the First Respondent shall not be given effect to.

4. The petition is disposed of in the aforesaid terms. No order as to costs.

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